

ASSEMBLY BILL

No. 536

Introduced by Assembly Member Bloom

February 23, 2015

An act to amend Section 6305 of the Family Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 536, as introduced, Bloom. Domestic violence: protective orders.

The Domestic Violence Protection Act authorizes a judicial officer to issue a protective order after notice and a hearing for the purpose of preventing acts of domestic violence, abuse, and sexual abuse and ensuring a period of separation of the persons involved in the domestic violence. The act defines domestic violence as abuse perpetrated against specified persons, and further defines abuse within that context. Existing law authorizes the court to issue a mutual order enjoining the parties from specific acts of abuse if both parties personally appear, each party presents written evidence of abuse or domestic violence, and the court makes detailed findings of fact indicating that both parties acted as a primary aggressor and that neither party acted primarily in self-defense.

This bill would require each party to present written evidence of abuse or domestic violence on an application for relief using a mandatory Judicial Council restraining order application form, and would specify, for these purposes, written evidence of abuse or domestic violence in a responsive pleading does not satisfy the party's obligation to present written evidence of abuse or domestic violence. The bill would require the Judicial Council to include on the forms used to respond to a request for a restraining order a specified statement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6305 of the Family Code is amended to
2 read:
3 6305. (a) The court shall not issue a mutual order enjoining
4 the parties from specific acts of abuse described in Section 6320
5 unless both of the following apply:
6 (1) Both parties personally appear and each party presents
7 written evidence of abuse or domestic ~~violence~~. *violence in an*
8 *application for relief using a mandatory Judicial Council*
9 *restraining order application form. For purposes of this paragraph,*
10 *written evidence of abuse or domestic violence in a responsive*
11 *pleading does not satisfy the party's obligation to present written*
12 *evidence of abuse or domestic violence. The Judicial Council shall*
13 *include on the forms used to respond to a request for a restraining*
14 *order a statement informing the party that he or she shall not use*
15 *this form to request a domestic violence restraining order against*
16 *the other party.*
17 (2) The court makes detailed findings of fact indicating that
18 both parties acted as a primary aggressor and that neither party
19 acted primarily in self-defense.
20 (b) For purposes of subdivision (a), in determining if both parties
21 acted primarily as aggressors, the court shall consider the
22 provisions concerning dominant aggressors set forth in paragraph
23 (3) of subdivision (c) of Section 836 of the Penal Code.